

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KURT ALLEN,

Defendant.

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8:09CR251

ORDER

This matter is before the court on defendant's MOTION TO EXTEND TIME TO FILE DEFENDANT ALLEN'S PRETRIAL MOTIONS AND BRIEF [40]. For good cause shown, I find that the motion should be granted. Pretrial Motions shall be filed by August 31, 2009.

IT IS ORDERED:

1. Defendant's the court on MOTION TO EXTEND TIME TO FILE DEFENDANT ALLEN'S PRETRIAL MOTIONS AND BRIEF [40] is granted. Pretrial motions shall be filed on or before **August 31, 2009**.

2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between August 3, 2009 and August 31, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 4th day of August, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**